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III. [10.40] Index of Terms
I. INTRODUCTION

A. [10.1] Scope of Chapter

The terminology used in the law of land use and zoning is complex, unique, and frequently very confusing. Acronyms and abbreviations have become commonplace and have replaced logical, grammatically correct sentence structure. This chapter helps acquaint the practitioner with this expanding field of law and give context and meaning to the language used. The most frequently used land use and zoning terms are compiled and defined. They also are organized into substantive and topical categories to provide the practitioner with a better and clearer understanding of how various zoning terms and provisions relate to each other and become an integral part of a zoning regulation, and an index of terms is provided in §10.40 below. The glossary also is helpful to the municipal attorney with a public-sector practice in drafting or updating a municipality’s zoning code.

B. [10.2] Glossary Uses and Cautions

This glossary offers a brief introduction to land use and zoning terms and concepts for the lawyer unfamiliar with them. It also provides the zoning practitioner with a more advanced lesson, one that will be useful in the drafting and the interpretation of municipal zoning codes throughout the state. Several of the topics selected for this glossary involve such timely issues as telecommunication towers, adult entertainment uses, and flood control, while others offer new and creative approaches to concepts that have been in active use for many years, such as density and bulk regulations.

Many of the definitions are based on terms from municipal zoning codes in use and effective in Illinois and other jurisdictions. Due to the limited space and scope of this chapter, not all of the terms within these definitions have been included in separate definitions. However, unless specifically noted, all component terms that are essential for a complete understanding of a principal term have been included and defined.

The reader should be aware that some terms and provisions are based on the meanings and classifications established by the Office of Management and Budget of the United States Executive Office of the President and set forth in the STANDARD INDUSTRIAL CLASSIFICATION MANUAL 1987, available at www.osha.gov/pls/imis/sicsearch.html.

While the terms and provisions appear below in “ordinance definition” form, the reader is also cautioned not to use or rely on any individual definition out of its context as part of a larger and more comprehensive zoning code. It is essential to consult the definition and, if applicable, interpretation sections of the applicable zoning code in the applicable jurisdiction to fully understand and appreciate the way in which the zoning terms are intended to be used, applied, and implemented by the jurisdiction. Often, the most subtle and discreet rearrangement of the words within even the most basic definition can have a dramatic impact on a zoning analysis.
II. ZONING TERMS

A. Density

1. [10.3] Overview

“Density” is a measurement of the use of a building, lot, or development. Specifically, it is the number of persons, families, or dwelling units or the amount of gross floor area in a building, on a lot, or in a development divided by the gross area of the development. The most common way to measure density is through the calculation of the floor area ratio (FAR), which is itself a measurement that expresses the relative amount of development on a site. The higher the FAR, the denser the development. In drafting a FAR definition, it is critical to define carefully the component concepts such as “floor area” and “lot area.” The more inclusive the component definitions, the more accurate the measurement of density. The model definitions in §10.4 below include an example of an inclusive definition of FAR, as well as the several terms and concepts that are the components of FAR.

2. [10.4] Model Definitions — Density

**Floor Area, Gross.** The sum of the gross horizontal areas of all floors of a building or of such area thereof devoted to a specified use, measured from the exterior face of exterior walls or from the centerline of walls separating two buildings or uses. Gross floor area shall include areas such as basement floors; elevator shafts and stairwells at each floor; floor spaces and shafts used for mechanical, electrical, and plumbing equipment; penthouses; attic floors; interior balconies and mezzanines; atria; enclosed porches; and floor space used for accessory uses. Gross floor area also shall include floor area devoted to parking garages and structures, but not parking lots. No floor area devoted to a public water storage facility shall be included in gross floor area. When any space has a floor-to-ceiling height of more than 14 feet, each 14 feet of height or fraction thereof shall be treated as a separate floor, provided that such ceiling height limitation of 14 feet shall not apply to warehousing or storage areas within a business headquarters planned unit development. Gross floor area is used for all purposes except determining off-street parking requirements.

**Floor Area, Gross.** (For all purposes except determining maximum gross floor area in single-family residential districts and off-street parking and loading requirements in all districts.) The sum of the gross horizontal areas of all floors of a building or of such area devoted to a specific use, measured from the exterior face of exterior walls or from the centerline of walls separating two buildings or uses. Gross floor area shall include areas such as basement floors, but not cellar floors; elevator shafts and stairwells at each floor; floor spaces and shafts used for mechanical, electrical, and plumbing equipment, except equipment located in a cellar or on the roof; penthouses; attic floors, except when the clear ceiling height is less than 7 feet; interior balconies and mezzanines; enclosed porches; and floor space used for accessory uses. It shall not include floor area devoted to off-street parking or loading. When any space has a floor-to-ceiling height of more than 16 feet, only the first 16 feet of space shall constitute a floor for the purpose of calculating gross floor area.
Floor Area, Gross. (For determining maximum gross floor area in single-family residential districts.) The sum of the gross horizontal areas of all floors of a building or of such area devoted to a specific use, measured from the exterior face of exterior walls or from the centerline of walls separating two buildings or uses. Gross floor area shall include, without limitation, areas such as

a. basement floors;
b. area devoted to off-street parking or loading, whether in attached or detached structures;
c. elevator shafts and stairwells at each floor;
d. floor spaces and shafts used for mechanical, electrical, and plumbing equipment, except equipment located in a cellar or on the roof;
e. penthouses;
f. interior balconies and mezzanines;
g. enclosed porches; and
h. floor space used for accessory uses.

When any space has a floor-to-ceiling height of 14 feet or more, each 14 feet of height, or fraction thereof, shall constitute a separate floor, provided that for spaces with a sloping or slanting ceiling, only that portion of such space with a floor-to-ceiling height of 14 feet or more shall be treated as a separate floor.

Gross floor area shall exclude the following specific areas:

a. cellar floors;
b. attic floors, regardless of the clear ceiling height;
c. decks and patios;
d. open, unenclosed porches, not exceeding 8 feet in depth;
e. chimneys projecting not more than 2 feet from an exterior wall;
f. bay windows projecting not more than 3 feet from an exterior wall for a distance not more than one third of the length of such wall, provided that such projections shall come entirely within planes drawn from the main corners of the building at an interior angle of 45 degrees with the wall in question; and
g. the first 200 square feet of accessory storage structures other than garages, when authorized.
**Floor Area, Net.** The gross floor area of a building minus elevator shafts and stairwells at each floor; floor spaces and shafts used for mechanical, electrical, and plumbing equipment; exterior building walls; floor space devoted to parking garages and structures; and basement floor space used only for bulk storage. Net floor area is used in determining off-street parking requirements.

**Floor Area Ratio.** The gross floor area of a building divided by the total lot area of the zoning lot on which it is located. For planned developments, the floor area ratio shall be determined by dividing the gross floor area of all principal buildings by the net area of the site.

**Floor Area Ratio Bonus.** A bonus granted in certain limited circumstances for floor area ratio.

**Lot Area.** The total land and water area included within lot lines, excluding land areas subject to easements for public or private access or egress.

**B. Bulk Regulations**

**1. [10.5] Overview**

The bulk regulations of a zoning code are those that pertain to the permissible or required height, volume, area, floor area ratio, building coverage, lot coverage, yard sizes, and setback distances. The terms in §10.6 below are model definitions for the most common components of a zoning code’s bulk regulations.

**2. [10.6] Model Definitions — Bulk Regulations**

**Building Coverage.** The percentage of a lot area covered by any building or structure.

**Building Setback Line.** A line established on a lot, by agreement or otherwise, designating the required distance of any structure or building from a lot line or right-of-way.

**Daylight Plane Regulation.** No portion of a building on any lot in any residential district shall intercept either of the planes that begin at points 12 feet directly above the interior side lot lines and run at 45-degree angles toward the interior of any such lot until they reach the maximum height permitted. Measurement of the 12-foot vertical portion of the daylight plane shall commence at the average pre-construction grade level that exists along the portion of the side yard property line adjacent to the primary side wall of the proposed structure. If a wall or other abrupt change in grade exists along the side yard property line, the pre-construction grade for calculation of the daylight plane shall be the lowest of the grades existing on either side of the existing abrupt change.

**Established Building Setback.** In a block containing three or more single-family residences, in the event 50 percent or more of the lots fronting on one side of such block are improved with principal buildings that have setbacks greater in depth than required for such given zoning district, on each such improved lot (exclusive of the lot for which a building permit is sought), the
distance to the front lot line thereof from the foundation of the principal or accessory building closest to the front lot line shall be the existing setback. The established building setback is the average of the existing setbacks of such foundations on such block.

**Impervious Surface.** Any hard-surfaced, man-made area on a zoning lot that does not readily absorb or retain stormwater or runoff, including but not limited to buildings and structures, decks, porches, stoops, steps, parking areas, parking lots, driveways, pavements, sidewalks, and paved recreational facilities.

**Lot Coverage.** The percentage of a lot’s area covered by any building or structure or any impervious surface other than public or private streets, public sidewalks, private sidewalks under common ownership, or water bodies.

**Setback.** The minimum horizontal distance between a specified lot line, measured along a straight line and at a right angle to such lot line, and the nearest point of a building or structure.

**Sight Triangle.** A triangular area, described by the edge of pavement lines of two intersecting streets and a line connecting the edge of pavement lines, in which the height of structures and landscaping regulation is limited to a maximum of two and one-half feet above grade in order to promote visibility at street intersections. Any leg of such triangle lying along any street in a residential district or any street forming part of an intersection that is not controlled by a traffic signal or a stop sign shall be a minimum of 45 feet in length.

**Subdivision Setback Line.** A line of demarcation found on a plat of subdivision or plat of survey that establishes a minimum setback or required yard for a lot of record and, unlike a yard requirement imposed by a zoning district regulation, runs with that lot and is not subject to change by amendment to the code.

**Yard.** A required open space on a lot between a lot line and a yard line that is unoccupied and unobstructed from grade to the sky.

**Yard, Corner Side.** A yard extending from the front yard line to the rear lot line between the corner side lot line of the lot and the corner side yard line.

**Yard, Front.** A yard extending across the entire front of a lot between the front lot line of the lot and the front yard line.

**Yard, Perimeter.** A yard within, and abutting the boundary of, a planned development.

**Yard, Rear.** A yard extending along the full length of the rear lot line between the side lot lines, except that in the case of a corner lot the rear yard shall extend from the inner side lot line to the corner side yard line.

**Yard, Side.** A yard extending along a side lot line from the front yard to the rear yard between the side lot line and the side yard line.
C. Zoning Lots, Blocks, and Rights-of-Way

1. [10.7] Overview

The word “lot” can mean many things and be used in many contexts. The practical usage is in the subdivision or “lot of record” context. However, most zoning codes use the word “lot” to refer to the tract of land on which a particular development is located or proposed, which may consist of many lots of record. Further, most zoning codes treat individual lots differently, depending on the way in which a lot is situated on a block or right-of-way. The terms in §10.8 below are examples of the many ways in which a lot is or can be defined, as well as the block within which it is located and the rights-of-way that surround or border it.

2. [10.8] Model Definitions — Zoning Lots and Lot Characteristics

Block. A tract of land bounded by public streets or by a combination of public streets, public lands, railroad rights-of-way, waterways, or boundary lines of the municipality.

Driveway. A private access way that provides direct access from a street to not more than one lot or principal building or use except as otherwise may be provided.

Frontage. All of the property fronting on one side of a street, measured along such street, between an intersecting or intercepting street and another intersecting or intercepting street, a right-of-way in excess of 30 feet, an end of a dead-end street, or a municipal boundary.

Lot. See Lot of Record and Lot, Zoning. Unless the context indicates otherwise, all references to a “lot” shall be deemed to mean a “zoning lot.”

Lot, Buildable Area of a. That portion of a lot bounded by the required yards.

Lot, Corner. A lot situated at the junction of and abutting on two or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less. On a corner lot, all lot lines adjacent to a street shall be deemed front lot lines.

Lot Depth. The average distance between the front lot line and the rear lot line. In the case of a corner lot, the lot depth is the greater of the two distances between the front lot lines and the respective lot line opposite each. For a lot-in-depth, lot depth shall be the average distance between the front lot line and the lot line opposite and most parallel to the front lot line.

Lot, Flag. An irregularly shaped lot consisting of two sections: (a) the primary mass of the lot (the “flag” portion) that is set back from the street frontage access and is located behind one or more other lots; and (b) a narrow access corridor (the “pole” portion), that has a width of less than 50 feet and extends for a distance of at least 40 feet from the street or street right-of-way toward the flag portion of the lot.
Lot, Interior. A lot other than a corner lot.

Lot Line, Front. In the case of an interior lot abutting on only one street, the line separating such lot from the right-of-way of such street. In the case of a through lot, each line separating such lot from the right-of-way of a street shall be considered a front lot line. In the case of a corner lot, the shorter lot line separating such lot from the right-of-way of a street shall be considered to be the front lot line.

Lot Line, Rear. The rear lot line is the lot line or lot lines generally opposite or most nearly parallel to the front lot line. In the case of triangular shaped lots or a lot having a rear lot line less than 10 feet in length, the rear lot line shall be deemed to be an imaginary line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front line.

Lot Line, Side. Any lot line other than a front, corner side, or rear lot line.

Lot Lines. The property lines bounding a lot, provided that when a lot includes land subject to a public right-of-way easement for street purposes, the line separating such right-of-way from the rest of the lot shall be deemed to be the lot line.

Lot of Record. A portion of platted land and territory that is measured, set apart, shown, numbered, and delineated upon a duly approved plat of subdivision or re-subdivision recorded with the county recorder.

Lot, Through. A lot having lot lines on two nonintersecting streets or on substantially parallel sections of two intersecting streets.

Lot, Width of. Measured parallel to the street adjacent to the front lot line, the distance between the side lot lines most perpendicular to the front lot line measured at the midpoint of the lot depth. When a lot has more than one front lot line, the required lot width shall be measured parallel to the shortest front lot line.

Lot, Zoning. A tract of land consisting of one or more lots of record, or parts thereof, under single ownership located entirely within a block and occupied by, or designated by its owner or developer at the time of filing for any zoning approval or building permit as a tract to be developed for, a principal building or, when permitted, buildings and their accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged, or required, to be used with such building or use.

Right-of-Way. A strip of land designated for use for vehicular or pedestrian access or passage or for installation of railroad tracks, utility lines, or similar facilities.

Right-of-Way, Private. A right-of-way that has not been dedicated to or accepted by any government agency.
Right-of-Way, Public. A right-of-way that has been dedicated to and accepted by a government agency.

Street. The paved portion of a right-of-way, other than a driveway, that affords the principal means of vehicular access to abutting property.

Street Line. A lot line separating a street right-of-way from other land.

Street, Private. Any street other than a public street.

Street, Public. A street that has been dedicated to and accepted by, or otherwise acquired by, a government agency.

Tableland. Land in which the cross slope in any direction does not exceed ten percent.

D. [10.9] Model Definitions — Zones and Districts

Overlay Zone. A mapped area within one or more zoning districts that allows certain uses or imposes certain regulations different from those set forth for the underlying zoning district(s).

Steep Slope. Land comprising a ravine or lake bluff in which the slope in ascent or descent exceeds ten percent from the horizontal.

Steep Slope Zone. All land that lies between the bottom of a ravine steep slope and a line being farthest from the bottom of a ravine steep slope and 10 feet from the top edge of a ravine steep slope, and all land that lies between the bottom of a bluff steep slope and a line being farthest from the bottom of a bluff steep slope and 40 feet from the top edge of a bluff steep slope.

Transit-Oriented Development. A building or combination of buildings that may contain dwelling units and permitted for other special uses in a zoning district within 2,000 feet of a commuter rail station, but not located adjacent to a residential zoning district, together in a unified development in which there is a significant physical and functional integration of the uses.

E. Buildings and Structures

1. [10.10] Overview

The definitions concerning what constitutes a building and how to measure its interior and exterior size, spaces, and appurtenances are among the most complicated and confusing in municipal zoning codes. Most codes use the words “building” and “structure” interchangeably, yet offer a separate definition for each. The model definitions in §10.11 below address this issue by expressly stating that a reference in the code to either building or structure shall be deemed to be a reference to both. Calculation of the height of a building also can be difficult when the code is not clear as to what parts of a building should be included in the calculation. Should elevator
penthouse structures be included? Should a basement be counted? The model definition below uses what is known as a “top of the top” approach in defining height, requiring the calculation to include every appurtenance and feature on the top of a building; however, it does not include in the calculation any portion of the building that is below “grade.”


Balcony. A platform that projects from the exterior wall of a building and is located a minimum of one story above grade, is unenclosed and exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

Basement. A portion of a structure located partly underground but having less than half its clear floor-to-ceiling height over more than half of its floor area below grade.

Bay Window. A window cantilevered from the exterior wall of a building above grade or resting on a building foundation and that extends from the primary exterior plane of the exterior wall and forms space with a horizontal area within the building.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property. References to “building” shall in all cases be deemed to refer to both buildings and structures.

Cellar. A portion of a structure located partly or wholly underground and having half or more than half its clear floor-to-ceiling height over half or more than half of its floor area below grade.

Court. An unoccupied space, not a court niche, open to the sky and on the same lot with a building, which is bounded on two or more sides by the exterior walls of the building or by two or more exterior walls, lot lines, or yards. A court also may be bounded by a single curved wall of a building.

Court, Closed. A court surrounded on all sides by the exterior walls of a building, by exterior walls of a building and side or rear lot lines, or by alley lines when the alley is less than 10 feet in width.

Enclosed Pedestrian Space. An area, located within a building, designed for pedestrian use and enclosed on all sides, that may be covered by a roof of a transparent material that exposes the area to natural light.

Enlargement. An addition to the floor area of an existing building or an increase in the size of any other existing structure.

Gazebo. An accessory structure detached from any other building on the premises and unenclosed by solid walls, except that such structure may have a roof.

Grade or Grade Level. The average elevation at the corners of the smallest polygon formed by the intersecting lines of the minimum required front yard, rear yard, side yard, subdivision
setback lines, and steep slope setback lines (excluding established front yard setback lines) on a legal lot of record, and which polygon is entirely outside a steep slope zone. If the required yards and subdivision setback lines do not intersect to form “corners” (*e.g.*, as in a circular-shaped lot), then grade shall be the average elevation measured in five-foot intervals along the smallest continuous boundary of buildable area formed by required yards, subdivision setback, and steep slope, excluding established front yard setback lines. Grade shall be established prior to any development, demolition, or issuance of a drainage and grading permit or tree removal permit.

**Height.** The vertical distance measured from grade at the front of a structure to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs or to the highest point of a structure without a roof. When a parapet wall, penthouse, mechanical equipment, or any similar structure is located on the roof of a building, building height shall be measured to the highest point of the structure if any part of it extends above the height as measured pursuant to the first sentence of this definition. Chimneys of residential buildings shall be ignored in determining the height of such buildings. When a structure faces more than one street, the structure face with the greater height when measured as herein required shall be deemed to be the front of the structure for purposes of measuring structure height.

**Historic Structure.** Any structure that is

a. listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. individually listed on the state inventory of historic places by the Division of Historic Preservation of the Illinois Department of Natural Resources; or

d. individually listed on a local inventory of historic places that has been certified by the Division of Historic Preservation of the Illinois Department of Natural Resources.

**Manufactured Home.** A structure, transportable in one or more sections, that is built on a permanent chassis and is designated for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” also includes park trailers, recreational vehicles, and other similar vehicles installed on site for more than 180 consecutive days.

**Marquee.** A permanent shelter that projects from the wall of a building without ground support and may be of a roof-like nature.
Mezzanine. A floor space within a story between its floor and the floor or roof next above it and having an area of not more than one-third of the area of the floor immediately below. A mezzanine shall not be considered a story in determining the maximum number of permitted stories.

Open Arcade. A continuous area, located along the perimeter of a building, designed for pedestrian uses that adjoins a street for its entire length and, except for structural piers, columns, or arches, is open to the street.

Patio. An impervious surface, or a substantially similar pervious surface (but excluding grass), located not more than one foot above grade, designed and intended for recreational use and not for vehicular uses.

Pedway. An enclosed or open pedestrian or wheelchair passageway connecting adjoining structures that is not be deemed to combine two or more structures into one structure.

Porch. A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Porch, Open. A one-story covered area attached to the exterior wall of a single-family dwelling that (a) is either enclosed with screens or unscreened and open to the air on at least one side and (b) has no heating, ventilating, or air-conditioning system.

Porte Cochere. A one-story covered and unenclosed structure extending from the entrance of a building over an adjacent driveway to shelter those getting in or out of vehicles.

Principal Structure or Building. A structure or building on a zoning lot intended to be utilized for a principal use and to which any other structure on such lot must be accessory.

Residential Structure. A structure containing one or more dwelling units.

Residential Structure. A building, not including house trailers or mobile homes, designed or used for residential occupancy, including single-family residential structures and multifamily residential structures, but not including hotels, motels, or boarding or lodging houses.

Retaining Wall. An artificial composition of wood, concrete, masonry, or other material utilized in conjunction with an approved drainage and grading plan for the sole purpose of stabilizing soil and/or existing natural conditions.

Satellite Dish. Any disc not exceeding 39 inches in diameter, whether flat, concave, or parabolic, that is designed to receive signals from satellites or other sources or to transmit such signals to a receiving station. A satellite dish shall be considered an accessory structure and use.

Sports Court. A game court structure, other than a tennis court, designed and utilized for play located on the lot, so as not to be considered a driveway or patio. This definition is to
specifically include but not be limited to game courts, hockey rinks, basketball courts, and other similar facilities. These courts may or may not include a combination of fencing, netting, or boards for the purposes of their use.

**Story.** That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above, then the space between the floor and the ceiling next above it. The floor of a story may split levels provided that there is not more than 4 feet difference in elevation between the different levels of the floor. A basement shall be counted as a story. A cellar shall not be counted as a story. Any area in which the distance from one floor to the floor or ceiling above it is more than 16 feet shall be deemed to consist of one story for each 16 feet of height or major fraction thereof.

**Structure.** Anything constructed, reconstructed, or erected or any production or piece of work man-made or composed of parts joined together in some definite manner, the use of which requires permanent or temporary location on or in the ground or requires attachment to something having a permanent location in or on the ground, including, but not limited to, air conditioner compressor units; backstops for tennis courts; billboards; buildings; fences; parking facilities (surface and/or deck); pergolas; radio and television antennae, including supporting towers; signs; stadia; swimming pools; and installation of a manufactured home on a site, preparing a site for a manufactured home, or installation of a recreational vehicle on a site for more than 180 days. This definition does not include underground tanks for the storage of any type of fuel or stormwater, utility lines, and retaining walls.

**Structure, Temporary.** A structure without any foundation or footings that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**Swimming Pool.** Any temporary or permanent artificial pool or receptacle for water, the primary purpose for which is swimming and/or diving, including apparatus and equipment appurtenant thereto, installed, constructed, or maintained in, on, or above ground (not including those enclosed and located entirely within a building), having a perimeter of more than 25 feet and a depth of more than 3 feet at any point.

**Tennis Court.** Any temporary or permanent arrangement, grading, or surfacing, together with the ordinary appurtenances thereto, intended for or used for playing tennis. When constructed or maintained in connection with a detached dwelling, one such tennis court shall be considered an accessory use or a use customarily incidental to a detached single-family dwelling.

**Tent.** A portable structure, the roof and one half or more of the sides of which are constructed of nylon, cotton, canvas, or similar materials.

**Terrace.** An impervious surface, or a substantially similar pervious surface (but excluding grass), located more than one foot above grade, designed and intended for recreational use and not for vehicular uses.
F. **[10.12] Model Definitions — Procedures and Personnel**

**Applicant** or **Petitioner.** Any person who files an application for zoning amendment, special use, special exception, variation, subdivision approval, appeal, or permit to carry out development.

**Owner.** The holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required, full disclosure of all legal and equitable interests in the property is required.

**Person.** Any individual, copartnership, firm, association, joint stock company, corporation, or any combination of individuals of whatever form or character.

**Public Hearing.** A meeting conducted pursuant to the provisions of the Illinois Open Meetings Act, 5 ILCS 120/1, *et seq*., at which members of the general public must be permitted to give testimony, evidence, or opinions relevant to the subject matter.

**Public Meeting.** A meeting conducted pursuant to the provisions of the Illinois Open Meetings Act, at which members of the general public, as opposed to members of the board or commission and as opposed to the applicant for relief, have no right, but may be given the opportunity, to offer testimony, evidence, or opinions.

**Registered Professional Engineer.** An engineer registered and/or licensed in the State of Illinois under the Professional Engineering Practice Act of 1989, 225 ILCS 325/1, *et seq*.


**Registered Structural Engineer.** A structural engineer registered and/or licensed in the State of Illinois under the Structural Engineering Practice Act of 1989, 225 ILCS 340/1, *et seq*.

**Structural Alteration.** Any change, other than incidental repairs, that would prolong the life of the supporting members of a structure such as bearing walls, columns, beams, girders, or foundations or that would alter the dimensions or configurations of the roof or exterior walls of a structure or that would increase either the gross or net floor area of a structure.

**Variation or Variance.** Limited relief from zoning requirements as granted by the board of appeals in those cases in which strict application of the requirements will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed.

Planned Development or Planned Unit Development. An area or tract of land under common ownership or control to be developed in accord with the procedures established in the ordinance as a single entity for a number of structures, the plan for which does not necessarily correspond in lot size, bulk, lot coverage, or required open space to the regulations established in the zoning district in which such land is located.

Principal Use. The use of a zoning lot, whether a permitted or specially permitted use, designated by the owner of the lot as the primary or main use and to which any other use must be accessory.

Residential Use or Purpose. Any use permitted in a residential district.

Use. The purpose or activity for which a structure or land is designed, arranged, or intended or for which it is occupied or maintained.

Use Interpretation. An interpretation of permitted or special uses for the purpose of allowing a use not expressly mentioned to be established in a zoning district found to be appropriate for such use.

Use, Legal. Any use being made of any land, building, or structure that complies with all of the applicable zoning regulations and was legally and validly instituted.

H. Residential Uses and Living Arrangements

1. [10.14] Overview

A residential dwelling is generally considered to be any structure or portion thereof designed or used for habitation, including, when located in a residential district, any structure in which food or drink is stored on a regular basis for any purpose, beds are placed at any time for any purpose, or kitchen or cooking facilities are installed at any time for any purpose. The definitions set forth in §10.15 below include the many different types of residential dwellings, as well as definitions that can be adopted to regulate structures used with increasingly popular apartment-sharing services.

Zoning codes define “family” for the purpose of regulating the occupancy of residential dwelling units, as well as group housing facilities, such as community residences and congregate housing. As a result of many court cases broadly interpreting the requirements of the Fair Housing Act, Pub.L. No. 90-284, Title VIII, 82 Stat. 81 (1968), the precise wording of certain living arrangement definitions has become critically important. The definitions set forth in §§10.16 and 10.17 below attempt to create a lawful distinction between different types of living arrangements so as to allow for varying degrees of municipal regulation thereof.
2. [10.15] Model Definitions — Dwellings

**Accessory Apartment.** A complete apartment unit contained within a single-family detached dwelling. It has kitchen and bath facilities separate from the principal dwelling and may have a separate entrance.

**Accommodation, Transient.** A structure or building, other than a private club, one-family or two-family dwelling, apartment house, boarding house, rooming house, or tenement house, within which units are used for transient guests from time to time. The accommodations may include but are not limited to bed-and-breakfast accommodations, guesthouses, guest quarters, hotels, inns, motels, and tourist homes.

**Apartment.** One or more habitable rooms with kitchen and bathroom facilities exclusively for the use of and under the control of the occupants of those rooms.

**Apartment, Bachelor.** One or more habitable rooms with bathroom facilities exclusively for the use of and under the control of the occupants of those rooms in a building containing three or more apartments, provided that in the building no kitchen facilities or privileges shall be available to or used by the occupants of the bachelor apartment.

**Apartment House.** Any building or part of a building in which there are three or more apartments, or three or more apartments and one or more bachelor apartments, providing accommodation on a monthly or longer basis.

**Condominium.** A building or group of buildings in which units are owned individually and the structures and common areas and facilities are owned by all the owners on a proportional, undivided basis.

**Dwelling.** A building designed or used for human habitation. When used without a qualifying term, it shall mean a “one-family dwelling.”

**Dwelling, Attached.** A single-family dwelling unit that is attached to one or more single-family dwelling units by unpierced, common fire-resistant walls.

**Dwelling, Multiple.** A building containing three or more dwelling units or rooming units or any combination of these units totaling three or more.

**Dwelling, Multiple-Family.** A dwelling, other than a single-family attached dwelling, containing more than two dwelling units.

**Dwelling, One-Family.** A dwelling used exclusively as a residence for one family.

**Dwelling, Row.** A one-family dwelling having no side yards.
Dwelling, Single-Family Detached. A dwelling containing only one dwelling unit, situated on a separate subdivision lot capable of individual sale and completely surrounded by open space.

Dwelling, Single-Family Semi-Detached. A one-family dwelling, the wall on one side of which is either a party wall, or lot line wall, having one side yard.

Dwelling, Townhouse. A dwelling composed of a row of two or more but not more than eight adjoining dwelling units, each situated on a separate subdivision lot or being a separate condominium unit capable of individual sale and each of which is separated from the others by one or more unpierced walls extending from ground to roof.

Dwelling, Two-Family. A dwelling, other than a single-family attached dwelling, containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

Dwelling Unit. One or more habitable rooms forming a single unit that is used for living and sleeping purposes and that may or may not contain cooking facilities. The term “dwelling unit” shall include a dwelling, apartment, bachelor apartment, or tenement but shall not include a rooming unit.

Habitable Room. An undivided enclosed space used for living, sleeping, or kitchen facilities. The term “habitable room” shall not include attics, cellars, corridors, hallways, laundries, serving or storage pantries, bathrooms, or similar space; neither shall it include mechanically ventilated interior kitchens less than 100 square feet in area, nor kitchens in commercial establishments.

Residential Structure. A building, not including house trailers or mobile homes, designed or used for residential occupancy, including single-family residential structures and multiple-family residential structures, but not including hotels, motels, or boarding or lodging houses.

Rooming Unit. Any habitable room or group of not more than two habitable rooms forming a single habitable unit used for living and sleeping but not for cooking or eating purposes.

3. [10.16] Model Definitions — Family

Family. One person or two or more persons related by blood, marriage, legal adoption, or guardianship (but not including guardianship by any governmental or quasi-governmental agency), or not more than four persons not so related, at least one of whom is an adult resident.
who is domiciled in the dwelling unit and is capable of, and in fact is, functioning as the head of the household, together with domestic servants and temporary gratuitous guests, living together as a single housekeeping unit.

**Family.** An individual, or two or more persons related by blood, marriage, or adoption, living together in a dwelling unit, or a group of not more than five persons who need not be related by blood, marriage, or adoption, living as a single housekeeping unit in a dwelling unit and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage, or adoption, in either case exclusive of servants.


**Bed-and-Breakfast.** A private, owner-occupied business in a single-family dwelling where overnight accommodations and a morning meal are provided to transients for compensation. The term “bed-and-breakfast” does not include short-term rental properties.

**Boarding House.** A building or part thereof that provides for compensation, meals, or lodging and meals to three or more guests on a monthly or longer basis. The term “boarding house” shall not be interpreted to include a hotel, motel, inn, bed-and-breakfast, private club, tourist home, guesthouse, or other transient accommodation.

**Caregiver.** An individual who is responsible for the supervision and administration of a child development home or child/elderly development center.

**Child Development Home.** A dwelling unit used in part for the licensed care, education, or training of no more than five individuals 15 years of age or less. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than 24 hours per day. This definition encompasses facilities generally known as a childcare center, daycare center, preschool, nursery school, before-school and after-school programs, and similar programs and facilities.

**Community-Based Residential Facility.** A residential facility for persons who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living. This definition includes, but is not limited to, facilities formerly known as convalescent or nursing homes, residential halfway house or social service centers, philanthropic or eleemosynary institutions, and personal care homes. If an establishment is a community-based residential facility, it shall not be deemed to constitute any other permitted use. A community-based residential facility may include separate living quarters for resident supervisors and their families.

**Community House.** A group of three one-family dwellings, each on a separate lot, erected simultaneously as a group, with each of the outer dwellings having a side yard.

**Community Living Facility.** A transitional residential setting that provides guidance, supervision, training, and other assistance to ambulatory mildly and moderately developmentally disabled adults with the goal of eventually moving these persons to more independent living.
arrangements and in which residents are required to participate in day activities, such as vocational training, sheltered workshops, or regular employment. A community living facility shall not be a nursing or medical facility and shall house no more than 20 residents, excluding staff.

**Community Residence.** A group home or specialized residential care home, the residents of which do not constitute a family, that serves persons with disabilities; that is licensed, certified, or accredited by appropriate governmental entities; and that does not serve persons as an alternative to incarceration for a criminal offense, persons whose primary reason for placement is substance or alcohol abuse, or persons whose primary reason for placement is treatment of a communicable disease. For purposes of this definition, “disabilities” means any disability

a. attributable to mental, intellectual, or physical impairments or a combination thereof;

b. likely to continue for a significant amount of time or indefinitely;

c. resulting in functional limitations in three or more of the following areas of major life activities: self-care, receptive or expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and

d. reflecting a person’s need for a combination and sequence of interdisciplinary or generic care, treatment, or other services that are of a lifelong or extended duration.

**Community Residential Alternative.** A home for developmentally disabled adults who are unable to live independently but are capable of community living if provided with an appropriate level of supervision, assistance, and support services. A community residential alternative may provide training and guidance to residents in the skills of daily living and opportunities for participation in community activities. A community residential alternative shall not be a medical or nursing facility.

**Congregate Housing.** Any use of a dwelling unit for the habitation by persons, whether adults or minors, who do not constitute a family and who are suffering from a handicap, as defined in or judicially construed to be covered by the Fair Housing Act (42 U.S.C. §3602(h)), together with caregivers and staff. The following are specifically excluded from this definition: living arrangements that serve as an alternative to incarceration, hospitals and clinics, boarding houses, convalescent homes, homes for the aged, and similar facilities.

**Elderly Daycare Home.** A dwelling unit used in part for the care, education, recreation, or training of no more than five elderly individuals who are not related by blood or marriage to the caregiver and who are present for less than 24 hours per day. This definition encompasses facilities generally known as senior care centers, elder care programs, and similar programs and facilities.

**Hospice.** A facility in which care for terminally ill patients is provided.
**Hospital.** Any institution, place, structure, or agency, public or private, whether organized for profit or not, licensed by the State of Illinois, devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, and medical care of humans having illness, disease, injury, deformity, pregnancy, or abnormal human physical condition.

**Hotel.** An establishment that is designed for transient guests, that is commonly known as a hotel in the community in which it is located, and that provides customary hotel services, such as maid service, furnishing and laundry of linen, telephone service, desk service, bellhop service, and the use and upkeep of furniture. Regardless of the services provided, a short-term rental property is not a hotel.

**Hotel, Extended Stay.** An establishment offering transient lodging accommodations to the general public that are accessed through a central area or main lobby, that have limited kitchen facilities, and that are rented on a weekly basis a majority of the time, provided that no more than four guests shall occupy any unit of such accommodations at any one time.

**Lodging House.** A building or place other than a hotel, motel, or boarding house in which lodging (but not meals) is provided for compensation by prearrangement for a definite period to five or more, but not exceeding twelve, individuals.

**Motel.** A building containing non-connecting habitable rooms, suites, or combinations of both, reserved exclusively for transient guests, with each room or suite having a private bath and at least one private parking space. Regardless of the services provided, a short-term rental property is not a motel.

**Motel.** An establishment offering transient lodging accommodations that provides services similar to a hotel and that has individual entrances from the outside of the building for at least 25 percent of the lodging accommodations located therein.

**Nursing and Personal Care Facility.** An establishment that provides full-time nursing and health-related personal care, but not hospital services, with inpatient beds for three or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such an establishment. A hospital shall not be construed to be included in this definition.

**Rooming House.** A building or part thereof that provides sleeping accommodations for three or more persons who are not members of the immediate family of the resident operator or manager and in which accommodations are not under the exclusive control of the occupants. A rooming house provides accommodations on a monthly or longer basis. The term “rooming house” shall not be interpreted to include an establishment known as a hotel, motel, inn, bed-and-breakfast, private club, tourist home, guesthouse, or other transient accommodation.
**Senior Citizen Housing.** A dwelling unit in a dwelling

a. constructed, maintained, and operated for the exclusive occupancy by

1. persons who are at least 62 years of age;

2. persons who are under a disability or are handicapped as determined by the regulations of the U.S. Department of Housing and Urban Development; or

3. two or more persons, one of whom meets the occupancy criteria stated in 1 or 2 above, provided that not more than one dwelling unit in such dwelling may be occupied by a resident manager who does not meet the aforesaid occupancy criteria;

b. that complies with such special construction standards that may be imposed from time to time on dwellings constructed and maintained pursuant to the United States Housing Act of 1937, ch. 896, 50 Stat. 888, by federal statute or regulation and such additional special construction standards for senior citizen housing as may be approved by ordinance or resolution; and

c. that may provide communal eating facilities for the exclusive use of the aforesaid occupants and their occasional guests.

**Sheltered Care Facility.** A facility that

a. provides food, shelter, and laundry services;

b. provides assistance with meals, dressing, movement, bathing, or other personal needs or general supervision and oversight of the physical and mental well-being of an individual, exclusive of nursing, who, because of age or physical disability, is incapable of maintaining a private, independent residence or who is incapable of managing his or her person, regardless of whether a guardian has been appointed;

c. is licensed pursuant to Illinois law;

d. files attested or audited financial statements and a statement of ownership with the Illinois Department of Public Health;

e. maintains written policies for resident care, medical services, group and individual activities, maintenance, and housekeeping; and

f. maintains a medical record and a personal property record for each resident.

**Short-Term Rental Property.** A building or portion thereof that is held out for rent, for overnight lodging for transient guests, for a period shorter than 30 consecutive days.
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Skilled Nursing Facility. An institution, or a designated part of an institution, that provides licensed, skilled nursing care and related services for patients who require medical, nursing, or rehabilitative services.

Transitional Service Facility. An authorized and licensed dwelling operated by a public or private agency duly authorized and licensed by any state agency having such authority that houses individuals being cared for by the agency and deemed by the agency to be capable of living and functioning in the community and that provides continuous professional guidance.

5. [10.18] Model Definitions — Affordable Housing

Affordable Housing. Decent, safe, sanitary, and appropriate housing that low- and moderate-income households can own or rent without having to devote more than approximately 30 percent of their gross income for monthly housing expenses.

Area Median Income. The median income level for the Chicago area, as established and defined in the annual schedule published by the Secretary of the Department of Housing and Urban Development and adjusted for household size.

Conversion. A change in a residential or mixed-use rental development to individual-owner residential condominium units.

Covered Development Project. Any development project in a city that is required to provide affordable housing units under the provisions of a zoning code. Projects at one location undertaken in phases, stages, or otherwise developed in distinct sections shall be considered a single covered development project.

Eligible Household. A household of low or moderate income.

Housing Expenses. The following types of housing expenses: (a) rent and utilities for rental housing; and (b) debt service (principal and interest), property taxes, and home insurance for home ownership.

Low-Income Households. Households that have incomes that do not exceed 80 percent of the area median income.

Market Rate Units. Residential dwelling units that are not required to be affordable housing units under the requirements of a zoning code.

Moderate-Income Households. Households that have incomes that do not exceed 120 percent of the area median income or such higher income limit as may be established for a local, county, state, or federal housing program.

Renovation. Physical improvement that adds to the value of the real property. Painting, ordinary repairs, and other normal maintenance do not constitute a renovation.
I. Adult Entertainment Uses

1. [10.19] Overview

The definitions in §10.20 below were developed to enable lawful regulation of adult entertainment uses in compliance with the First Amendment. Note that while the terms “specified anatomical areas,” “specified sexual activities,” and “seminude” are used throughout the following model adult entertainment definitions, they themselves are not defined here but likely would be in the applicable zoning code. See, e.g., the definition sections of the Unified Development Ordinance of Lake County, Illinois, §§151.270 and 151.271 of the Lake County Code, www.lakecountyil.gov/2051/unified-development-ordinance.

2. [10.20] Model Definitions — Adult Uses

Adult Booth. Any area of an adult entertainment establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

Adult Cabaret. Any commercial establishment that, as a substantial or significant portion of its business, features or provides any of the following:

a. persons who appear seminude;

b. live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities; or

c. films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

Adult Entertainment Establishment. See Adult Cabaret, Adult Store, and Adult Theater.

Adult Material. Any of the following, whether new or used:

a. books, magazines, periodicals, or other printed matter or digitally stored materials;

b. films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities; or
c. instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities or that depict or describe specified anatomical areas.

Adult Store. Any commercial establishment that (a) contains one or more adult booths; (b) offers for sale, rental, or viewing any adult materials as a substantial or significant portion of its business; or (c) has a segment or section devoted to the sale or display of adult materials.

Adult Theater. Any commercial establishment that, as a substantial or significant portion of its business, features or provides (a) films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities; or (b) live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

J. Miscellaneous Uses

1. [10.21] Overview

The terms in §10.22 below are definitions of uses of land or activities within structures that do not fall into any particular category but are commonly regulated as being prohibited, permitted as of right, or permitted with a “special-use permit,” subject to certain specified conditions. The definitions in §10.23 below deal with agricultural and rural uses.

2. [10.22] Model Definitions — Miscellaneous Uses

Art Gallery. An establishment that derives more than 50 percent of its income from the display and sale of objects of art.

Artist Studio. A place of work of one or more persons who are engaged actively and either gainfully or as a vocation in

a. the fine arts, including but not limited to painting, printmaking, or sculpturing;

b. the performing and visual arts, including but not limited to dance, choreography, photography, or filmmaking;

c. ceramics; or

d. the composition of music.

Automatic Teller Machine. An automated device that performs banking or financial functions at a location remote from the controlling financial institution.

Big Box Use. A stand-alone store with 100,000 square feet or more.
Cabaret. A restaurant or nightclub providing as the main focus of its business programs of live entertainment, such as singing, dancing, comedy, literary readings, or performance art. In a cabaret, the clientele generally sit at tables in order to watch the entertainment and are attended by waiters or waitresses who serve food or drink. Typically, there may be more than one show in an evening and a complete turnover in patrons.

Caterer or Catering Establishment. A person or business that prepares and provides food or beverages or both, along with the necessary accessories for serving these products, for ordinary home consumption. The food and beverages are provided for events that are located off the business establishment’s premises. Any establishment that receives more than 75 percent of its sales from orders placed less than three hours prior to delivery or pick up will not be considered a catering establishment.

Cemetery. A burial ground, including structures such as mausoleums, columbaria, incidental management offices, and maintenance facilities.

Chancery. The principal offices of a foreign mission used for diplomatic or related purposes and annexes to such offices (including ancillary offices and support facilities), including the site and any building on such site that is used for such purposes.

Childcare Facility. A building in which any person, group of persons, agency, association, or organization, whether established for gain or otherwise, receives or arranges for care or placement of one or more children unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility, established and maintained for the care of children.

Child/Elderly Development Center. A building or part of a building, other than a child development home or elderly daycare home, used for the licensed care, education, counseling, or training of individuals 15 years of age or less and/or for the care of elderly individuals, totaling six or more persons, who are not related by blood or marriage to the caregiver and who are present for less than 24 hours per day. This definition encompasses facilities generally known as childcare centers, preschools, nursery schools, before-school and after-school programs, senior care centers, elder care programs, and similar programs and facilities. A child/elderly development center includes the following accessory uses: counseling, education, training, and health and social services for the parents or principal guardians of children attending the center.

Civic Use or Purpose. An undertaking in which citizens of a community, by their cooperative action and as their central goal, seek to promote the general welfare and common good of the community; in other words, a community movement to accomplish community goals.

Clinic. A building or part of a building in which members of the medical or dental professions are associated for the purpose of conducting a joint practice of the professions. Each clinic shall contain a diagnostic center and, in addition, may contain research, educational, minor surgical, or treatment facilities, provided that all the facilities are limited to the treatment and care of outpatients. The term “clinic” shall be limited to those buildings in which the joint practice of
medical or dental professions is conducted in such a manner that all fees for services rendered are established by and paid to a common business office without direct payment of the fees to individual practitioners and shall not include a building in which the separate and individual practice of the above professions is conducted.

**Club, Private.** A building and facilities or premises used or operated by an organization or association for some common avocational purpose, such as but not limited to a fraternal, social, educational, or recreational purpose, provided that the organization or association shall be a non-profit corporation and registered with the U.S. Internal Revenue Service; goods, services, food, and beverages shall be sold on the premises only to members and their guests; and office space and activities shall be limited to that necessary and customarily incidental to maintaining the membership and financial records of the organization.

**Coin-in-Slot-Operated Amusement Device.** A machine or other device designed for self-service use and designed upon the insertion of a coin or credit card to deliver to the player/operator thereof no money or property or right to receive money or property but only the right of operation of play. Such machine or other device shall include but not be limited to pinball machines, shuffleboards, bowling machines, and any photoelectric or electronic amusement device that in its operation shoots or propels an object, electric light, ray, or impulse to a target but shall not include coin-operated phonograph or compact disc players or merchandise vending machines.

**Commercial Vehicle.** Either a Class I or Class II commercial vehicle and any trailer, including but not limited to tar hoppers, generators, cement mixers, or any portable construction or maintenance equipment that is not a camper trailer, travel trailer, or recreational vehicle trailer.

**Commercial Vehicle, Class I.** Any vehicle, other than a recreational vehicle, regardless of the use to which the vehicle is put or intended or designed to serve and regardless of any other classification system made applicable to vehicles by any other governmental body, that weighs in excess of 8,000 pounds in gross weight (including vehicle and maximum load).

**Commercial Vehicle, Class II.** Any vehicle that is not a recreational vehicle or a Class I commercial vehicle that is operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, regardless of whether for hire, including without limitation

a. any van with no side windows other than those adjacent to the driver and passenger seats, sometimes known as “panel vans”; or

b. any other vehicle with any commercial markings or any removable equipment or merchandise stored on the exterior of the vehicle.

**Daycare.** Daytime care or instruction, except elementary, secondary, and schools of higher education, of children or adults away from their own homes by a person other than a relative, regardless of whether for compensation or reward.
**Daycare Nursery.** A place providing daycare for not more than six children, including family members, being operated as a home occupation, and retaining all necessary state and local licenses.

**Daycare Service.** A place providing daycare for children and not operated as a home occupation.

**Dinner Theater.** A restaurant with a stage or performing area in which the main activity is the serving of dinner and, following dinner, the performance of a play or musical theater.

**Domestic Pet Service.** Any business in which clipping, bathing, and related services are provided for dogs, cats, and other domestic pets, but not including veterinary care and/or overnight boarding.

**Drive-In Establishment or Facility.** An establishment or facility that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on or off the premises or to be entertained while remaining in a motor vehicle.

**Drive-In Facility.** An enterprise, other than a gasoline and/or diesel fuel station, that accommodates the patrons’ motor vehicles and from which the occupants of the motor vehicles may make purchases, transact business, or view motion pictures or other entertainment.

**Drive-Through.** A system designed to permit customers of a restaurant, fast-food restaurant, bank, dry cleaner, or other establishment, other than a gasoline service station, to obtain goods or services by driving through the property and conducting the transaction while the customer remains within a motor vehicle. The system has two major parts: one or more vehicular queuing lanes and one or more service locations at which customers place orders, receive services, or both.

**Educational Institution.** A public, parochial, charitable, or nonprofit elementary and high school, junior college, college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

**Electronic Equipment Facility.** Regardless of the name given, a facility or space used primarily for or intended to be used primarily for the housing, operation, and/or colocation of computer equipment that provides (a) electronic data switching, (b) transmission, and/or (c) telecommunication functions, whether inside or outside the facility. The term “electronic equipment facility” includes but is not limited to a data center, server farm, colocation facility, telecommunications switching center, tech hotel, telco hotel, and telecommunications central office.

**Eleemosynary Institution.** Any building or group of buildings devoted to and supported by charity.
**Food Delivery Service.** A restaurant, delicatessen, or fast-food restaurant in which the principal use is delivery of prepared food by motor vehicle to customers located off the business premises. Seating and tables for customers may or may not be provided for on-premises consumption but, if present, are clearly subordinate to the principal use of delivering prepared food to off-site customers. Any establishment that derives more than 75 percent of its sales from delivery orders will be considered a food delivery service in all cases. The term “food delivery service” does not include catering establishments.

**Gasoline/Diesel Fuel Station.** Buildings and premises at which gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail and at which, in addition, the following services may be rendered and sales made: sales and servicing of spark plugs, batteries, and distribution of parts; tire service and repair, but not recapping or regrooving; replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like; vehicle radiator cleaning and flushing; hand vehicle washing and polishing and the sale of automotive washing and polishing materials; greasing and lubrication; and other minor motor vehicle repair of vehicles. Services at a gasoline and/or diesel fuel station do not include major motor vehicle repair.

**Guest Parking.** Designated and unrestricted off-street parking space(s) available for guests who visit dwelling units.

**Home Occupation.** An accessory use of a service character customarily conducted within a dwelling by the residents thereof that is clearly secondary to the residential use of the dwelling for living purposes, does not change the character thereof, and is conducted in compliance with the applicable regulations. The operation of a short-term rental property is not a home occupation.

**Home Sales Party.** A gathering that is held at a dwelling of any kind for the purpose of selling or distributing goods or services.

**LULU.** A slang acronym used to describe an undesirable or unwanted use of property. Translated: “locally undesirable land use.”

**Massage School.** Any place, establishment, or facility that provides instructions in the theory, method, and practice of massage.

**Massage Therapy.** Any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, bathing, touching, binding, painting, irritating, or stimulating external soft parts of the body with hands or with the aid of any manual, mechanical, or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptic oils, powder, creams, lotions, soaps, ointments, or other similar preparations commonly used in this practice, performed by a massage therapist.

**Mechanical Amusement Machine.** A machine or device offered for use by persons of all ages as a game or for entertainment or amusement that is activated or operated by the user, an operator, or other person, or by the insertion of a coin, slug, token, plate, disk, or magnetically
encoded card and requires a degree of dexterity or skill by the persons in the use of the machine or device. The term “mechanical amusement machine” shall include, but not be limited to, a pinball machine, flipper game, electronic video game, mechanical or electronic target game, or other similar machine or device but shall not include small kiddie rides or jukeboxes.

**Motor Vehicle Laundry.** A use auxiliary to gasoline and diesel fuel stations, housed in a structure and capable of being utilized for the washing of motor vehicles whether by hand or by automation, in which no motor vehicle conveyor or drive-through facility is incorporated into the process and no more than two vehicles are able to be washed on the premises at any given time.

**Motor Vehicle/Automobile Washing Facility.** A use housed in a building, other than a motor vehicle laundry, comprising the washing of automobiles and/or other motor vehicles, which may utilize such mechanical devices as a vehicle conveyor, hot air blowers, steam cleaners, and wax applicators, all located on a single lot of record.

**Movie Theater, Cineplex.** Complex structures with multiple movie theaters, each capable of providing performances independent of the others in the complex, and structurally grouped in a manner that allows them to share box or ticket offices, parking facilities, lobby areas, restrooms, concession stands, signs and marquee displays, and other service and maintenance facilities. These structures first started appearing in shopping centers and malls, sometimes integrated with the layout of the mall.

**NIMBY.** A slang acronym used by local residents to describe a use that is generally accepted as being necessary and desirable, provided that it is in an appropriate location. Translated: “not in my back yard.”

**Parking Area.** Any land area, not located in a garage, designed and used for the parking of not more than four vehicles.

**Parking Lot.** Any land area designed or used for the parking and associated circulation of more than four vehicles.

**Pavement Maintenance.** Pavement maintenance items include, without limitation: seal coating; hot mix asphalt (HMA) overlays of existing impervious areas; removal and replacement of existing concrete sidewalks; pulverizing in place existing HMA impervious areas and overlaying with a new impervious pavement section over the same or smaller area with less than 50-percent subbase repairs; complete removal of existing impervious areas and replacement with a new impervious pavement section over the same or smaller area with less than 50-percent subbase repairs; and other similar activities.

**Pavement Reconstruction.** Pavement reconstruction includes, without limitation: pulverizing in place existing HMA impervious areas and overlaying with a new impervious pavement section over the same or smaller area with 50-percent or more subbase repairs; complete removal of existing impervious areas and replacement with a new impervious pavement section over the same or smaller area with less than 50-percent subbase repairs; and other similar activities.
section over the same or smaller area with 50-percent or more subbase repairs; and other similar
activities not included within the definition of Pavement Maintenance set forth in this Ordinance.

**Personal Service Establishment.** A business that provides personal services directly to
customers at the site of the business or that receives goods from or returns to the customer goods
that have been treated or processed at another location. This includes, but is not limited to, travel
agencies, dry-cleaning and laundry drop-off and pickup stations, tailors, hair stylists,
cosmeticians, toning or tanning salons, banks, currency exchanges, postal substations, package
delivery and pickup stations, shoe repair shops, interior design studios, dance and martial arts
studios, and domestic pet services.

**Public Safety Emergency Facilities.** Any city-owned, -operated, or -approved ground-level
or pole-mounted equipment that is specifically provided for the purpose of notifying the general
public of an emergency event or condition.

**Public Utility Infrastructure Facilities.** Any municipal-owned, -operated, or -approved
ground-level or pole-mounted equipment that is specifically provided in connection with any
public services provided by the municipality or another unit of state or local government,
including without limitation public water or sewer service. Such facilities may, but are not
required to, include fiber-optic and/or wireless telecommunications capabilities.

**Railroad Right-of-Way.** A strip of land with tracks and auxiliary facilities for track
operation, but not including freight depots or stations, loading platforms, train sheds, warehouses,
car or locomotive shops, or car yards.

**Recreational Device.** A structure or outdoor facility intended primarily for recreational use
by children, including but not limited to a playhouse, swing set, trampoline, sandbox, or
basketball backstop.

**Recreational Facility, Residential.** An area, court, pool, or facility, other than a recreational
device, intended for active recreational or athletic use, including game courts, swimming pools,
or ball fields established as an accessory use to a residential dwelling.

**Recreational Vehicle.** Every vehicle or boat originally designed for living quarters,
recreation, or human habitation and not used as a commercial vehicle, including but not limited to

a. **Boat.** Any vessel used for water travel. A boat mounted on a trailer shall be considered
   one vehicle.

b. **Camper Trailer.** A folding or collapsible vehicle without its own motive power,
designed as temporary living quarters for travel, camping, recreation, or vacation use.

c. **Motorized Home.** A temporary dwelling designed and constructed for travel, camping,
recreational, or vacation uses as an integral part of a self-propelled vehicle.
d. **Off-Road Vehicle.** A vehicle intended primarily for recreational use off roads on which state vehicle licenses are required, including dune buggies, go-carts, or snowmobiles.

e. **Racing Car** or **Cycle.** A vehicle such as a race car, stock car, or racing cycle that is intended to be used in racing competition.

f. **Travel Trailer.** A vehicle without its own motive power, designed to be used as a temporary dwelling for travel, camping, recreational, or vacation uses.

g. **Van.** A general term applied to a noncommercial motor vehicle licensed as a recreational vehicle.

h. **Vehicle Trailer.** A vehicle without its own motive power that is designed to transport another vehicle, such as a boat, motorcycle, or snowmobile for recreational or vacation use and that is eligible to be licensed or registered and insured for highway use. A vehicle trailer with another vehicle mounted on it shall be considered one vehicle.

**Recycling Plant.** A facility that is not a salvage yard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may be used again for production.

**Restaurant.** A place of business in which food, drinks, or refreshments are prepared and sold to customers primarily for consumption on the premises. The term “restaurant” includes but is not limited to establishments such as cafes, lunch counters, cafeterias, or other similar businesses but does not include fast-food restaurants. In a restaurant, any facilities for carryout shall be clearly subordinate to the principal use of providing prepared foods for consumption on the premises.

**Restaurant.** Any business, other than a boarding house, in which food or meals are provided for compensation and for consumption on the premises inside a building, including a cafe, cafeteria, coffee shop, dining room, lunchroom, or tearoom, and including the serving of alcoholic beverages when served with and incidental to the serving of meals.

**Restaurant, Drive-In.** A fast-food or carryout restaurant at which food (including frozen desserts) may be ordered from a motor vehicle or at which a specific motor vehicle parking area is provided on the premises for the consumption of food.

**Restaurant, Fast-Food.** A place of business devoted to the preparation and retail sale of ready-to-consume food or beverages for consumption on or off the premises. A restaurant will be considered a fast-food restaurant if it has a drive-through or if the floor space allocated and used for customer queuing for self-service for carryout and on-premises consumption is greater than 10 percent of the total floor space on any one floor that is accessible to the public and it exhibits one of the two following characteristics:
a. at least 60 percent of the food items are already prepared or packaged before the customer places an order; or

b. the establishment primarily serves its food and beverages in disposable containers and provides disposable tableware.

The term “fast-food restaurant” does not include an establishment known as a retail grocery store, convenience store, ice cream parlor, delicatessen, or other business selling food or beverages as an accessory use or for off-premises preparation and consumption.

**Restaurant, Fast-Food or Carryout.** Any business in which the principal part of the business is providing food or meals for compensation in disposable wrappers or containers for consumption within the principal building or off the premises at which it is prepared.

**School, Public.** A building operated and maintained by the board of education for educational purposes and such other community uses as deemed necessary and desirable.

The term “public school” shall include all educational functions, the building or structure required to house them, and all accessory uses normally incidental to a public school, including but not restricted to athletic fields, field houses, gymnasiums, parking lots, greenhouses, playgrounds, stadia, and open space.

The term “public school” also shall include a community-centered school campus, provided that no part of the building or structure shall be used to house the administrative offices or maintenance and repair shop intended or used for the entire school system or that no part shall be used as a technical or vocational school.

**Self-Service Storage Facility.** A building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers’ goods or wares.

**Soup Kitchen.** A food service use that provides free meals for consumption on site.

**Soup Kitchen.** Any building or structure or portion thereof that contains a fully equipped kitchen in operating condition that is used to prepare and serve food on a regular basis either without cost or at a low cost insufficient to generate a profit. Soup kitchens shall not be considered restaurants.

**Stable, Private.** An accessory building housing not more than four horses or other equine animals for private use and not for remuneration, hire, or sale. The building also may house not more than four horse-drawn vehicles.

**Stable, Public.** A stable, other than a private stable.
**Tanning Facility.** A room or a booth or group of rooms or booths that house ultraviolet lamps or products containing lamps intended for the irradiation of any part of the living human body for cosmetic or non-medical-related purposes. The term “tanning facility” does not include any hotel or motel guest rooms in which sunlamps are installed in the restroom area.

**Theater.** An establishment, other than an adult motion picture theater, adult entertainment cabaret, adult video store, or adult mini picture theater, used to observe films, live performers, plays, musicals, dancers, and other auditory and/or visual material.

**Transitional Service Facility.** An authorized and licensed dwelling operated by a public or private agency duly authorized and licensed by any state agency having authority to license and approve such facility that houses individuals being cared for by the agency and deemed by the agency to be capable of living and functioning in the community and that provides continuous professional guidance.

**Vehicular Use Areas.** All areas of a lot dedicated to paved off-street parking and loading spaces, including vehicle service yards, driveways, and drive aisles, that provide for vehicular maneuvering or other accessory or incidental vehicular movement purposes.

**Warehouse.** A building or structure used principally for the storage of goods, merchandise, material, and/or equipment.

3. **[10.23] Model Definitions — Agricultural and Rural Uses**

**Agriculture.** The growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, pasturage, floriculture, horticulture, nurseries, tree farms, pasturage, viticulture, and wholesale greenhouses and similar uses as the principal activity on the property. “Agriculture” does not include industrial operations, such as grain elevators, canning facilities, or the extraction of sand, gravel, or limestone, even when such operations are related to an agricultural purpose.

**Animal, Domestic.** Any animal domesticated by people to live in a tame condition, such as dogs, cats, birds (excluding poultry), and the like.

**Animal, Exotic.** Any animal other than a domestic animal or a farm animal that normally lives in a state of nature (i.e., the wild) and is not ordinarily tame or domesticated.

**Animal, Farm/Livestock/Poultry.** Any animal of a fowl, ovine, caprine, bovine, porcine, or equine species that has been domesticated for agricultural purposes.

**Unincorporated Land.** Land within boundaries of the county but not located within a municipality.
K. Flood Prevention and Stormwater Management

1. [10.24] Overview

In response to the many devastating stormwater floods that have plagued the state in recent years, many municipalities have codified stormwater management and flood prevention regulations into their zoning codes. The terms in §10.25 below are definitions of the most commonly used terminology in flood prevention.


**Base Flood.** A flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event.

**Base Flood Elevation.** The highest water surface elevation of the base flood. The base flood elevation is also known as the 100-year frequency flood elevation.

**Certified Wetland Specialist.** A person meeting the following minimum requirements who has provided a statement of the following qualifications, which will be considered evidence of qualifications:

a. passed the Certified Wetland Specialist Exam;

b. completed a Stormwater Management Commission wetland delineation course and met the requirements of one of the following:

1. Registered Professional Wetland Scientist (PWS) from the Society of Wetland Scientists;

2. minimum of a bachelor’s degree in an earth science or biologic science and at least one of the following: three years’ (cumulative) full-time experience in the Upper Midwest Region on wetland-related projects; the completion of 100 wetland delineations in the Upper Midwest; or a minimum of 300 hours spent in field review of wetlands in the Upper Midwest; or

3. six years’ (cumulative) full-time experience in the Upper Midwest Region on wetlands-related projects.

**Channel.** A natural or artificial depression of perceptible extent with a defined bed and banks that confine and conduct flowing water either continuously or periodically. Any river, stream, creek branch, natural or artificial depression, ponded area, lake, flowage, slough, ditch, conduit, culvert, gully, ravine, swale, wash, or natural or man-made drainage way, in or into which surface or groundwater flows, either perennially or intermittently.
**Channel Modification.** Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, riprapping or other armoring, widening, deepening, straightening, relocating, lining, and significant removal of bottom or woody vegetation of the channel. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel.

**Compensatory Storage.** An artificially excavated, hydraulically equivalent volume of flood storage within the special flood hazard area used to replace the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain.

**Compensatory Storage.** An excavated, hydraulically equivalent volume of storage used to offset the loss of natural flood storage capacity when artificial fill or structures are placed within a regulatory floodplain.

**Design Storm.** A selected storm event, described in terms of the probability of occurring once within a given number of years, for which stormwater or flood-control improvements are designed and built.

**Detention.** Temporary on-site storage of stormwater to be released at a predetermined rate by means of facilities engineered for that purpose.

**Dry Detention Facility.** A detention facility designed to drain completely after temporary storage of stormwater flows and to be normally dry over the majority of its bottom area.

**Emergency Overflow.** A structure in a stormwater management system designed to protect the system in the event of a malfunction of the primary flow structure or a storm event greater than the system design. The emergency overflow capacity initiates at the facility design high-water level or base flood elevations.

**Environmentally Sensitive Area.** An area with one or more of the following characteristics: (a) surface waters, including lakes, ponds, and streams; (b) steep slopes; (c) regulatory floodplain; (d) regulatory floodway; (e) hydric soils; (f) soils classified as subject to erosion; (g) stream corridors; (h) mature stands of native vegetation; (i) high-quality aquatic resources; (j) habitats of endangered species; and (k) medium and high priority open-space parcels identified in the North Branch of the Chicago River Open Space Plan.

**Flood.** A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Maps.** An official map prepared by the Federal Emergency Management Agency that delineates the special flood hazard areas and risk premium rate zones.
**Flood Protection Elevation.** The elevation of the base flood elevation plus two feet of freeboard.

**Floodplain.** Land typically adjacent to a body of water or watercourse with ground surface elevations at or below the base flood elevations. Floodplains also may include special flood hazard areas not adjacent to a body of water or watercourse.

**Forest Wetland.** A wetland area with 30-percent greater areal coverage of trees. For the purposes of this definition, “trees” means woody plants that are greater than 3 inches in diameter at breast height and with a height of greater than 20 feet.

**Freeboard.** An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, unknown localized conditions, wave actions, and unpredictable effects, such as those caused by ice or debris jams, bridge openings, and the hydrological effect of development within the watershed.

**Hydraulically Equivalent Compensatory Storage.** Compensatory storage placed between the proposed normal water elevation and the proposed 100-year flood elevation. All storage lost or displaced below the existing 10-year flood elevation is replaced below the proposed 10-year flood elevation. All storage lost or displaced above the existing 10-year flood elevation is replaced above the proposed 10-year flood elevation.

**Low Opening Elevation.** The elevation at which water could enter a structure through any non-watertight opening such as a doorway threshold, window sill, or basement window well.

**Overland Flow Path.** An area of land that conveys stormwater for all events up to and including the base flood event. The overland flow path can be estimated using readily available topographic information, taking into account all on-site and off-site tributary areas.

**Public Flood Control Project.** A flood control project within a deed or plat restricted area that will be operated and maintained by a public agency to reduce flood damages to existing buildings or structures. The project shall include a hydrologic and hydraulic study of the existing and proposed conditions of the watershed area affected by the project. Nothing in this definition shall preclude the design, engineering, construction, or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

**Ravine.** A deep gully or gorge worn by the flow of water.

**Regulatory Floodplain.** Either riverine or non-riverine depressional areas, the boundaries of which are delineated by projecting the base flood elevation onto the best available topography. A flood prone area is a regulatory floodplain if it meets any of the following descriptions:

a. any riverine area inundated by the base flood in which there are at least 640 acres of tributary drainage area;

b. any non-riverine area with a storage volume of 0.75 acre-foot or more when inundated by the base flood; or
c. any area indicated as a special flood hazard area on the Federal Emergency Management Agency flood insurance rate map and located with the best available topography to be inundated by the base flood.

**Regulatory Floodway.** The channel, including on-stream lakes, and that portion of the regulatory floodplain adjacent to a stream or channel as designated by the Illinois Department of Natural Resources, Office of Water Resources, that is needed to store and convey the existing and anticipated future 100-year frequency flood discharge with no more than a 0.1-foot increase in stage due to the loss of flood conveyance or storage and no more than a ten-percent increase in velocities.

**Retention Basin.** An area containing a permanent pool of water as well as capacity to detain additional stormwater for long periods of time.

**Retention Facility.** A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, or pumping.

**Stormwater Management.** A set of actions taken to control stormwater runoff with the objective of providing controlled surface drainage, flood control, and pollutant reduction in runoff.

**Waterways.** Any natural or artificial above-ground stream, creek, river, ditch, channel, canal, conduit, culvert, drain, gully, or wash in which water flows in a definite direction or course, either continuously or intermittently, and that has a definite channel, bed, and banks, including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**L. [10.26]** Model Definitions — Landscaping and Tree Preservation

**Berm.** An earthen mound, constructed at an incline not to exceed one foot of vertical rise to three feet of horizontal distance, used to divert stormwater flows, provide a restriction to create stormwater storage areas, protect lower lying areas, enhance landscaping, screen undesirable views, and/or decrease noise.

**Caliper.** The diameter of the trunk of a tree measured in inches at a point 6 inches above ground line. This point of measurement is used for nursery stock.

**Damage.** The taking of any direct or indirect action that causes, or is reasonably likely to cause, the death of a tree or a significant loss of a tree’s structural integrity, including without limitation destruction, poisoning, carving, mutilating, girdling, severing the main trunk or large branches or roots, removing any portion of the bark from the main trunk or from large branches, touching with live wires, crushing or exposing the roots, digging or drilling any hole or trench within the root zone, or compacting a substantial portion of the soil in the root zone.

**Deciduous.** A plant with foliage that is shed annually.
**Diameter Breast Height.** The diameter of the trunk of a tree measured in inches at a point 4.5 feet above ground line. This point of measurement is used for established and mature trees.

**Dominant Plant Species.** A plant species that comprises greater than 50 percent of the vegetative layer. For the purposes of this definition, “vegetative layer” means a subunit of a plant community in which all component species exhibit the same growth form (e.g., trees, saplings, shrubs, herbs).

**Evergreen.** A plant with foliage that persists and remains green year-round.

**Natural Landscape.** Landscape designed to evoke the character of nature with plants arranged similarly to their arrangement in nature.

**Ornamental Tree.** A deciduous tree, typically smaller at maturity than a shade tree, planted primarily for the beauty of its foliage or flowers or for screening purposes.

**Private Tree Preservation Area.** The entire 10-foot width of a lot’s front yard adjacent to the public right-of-way or, in the case of a corner lot, the entire 10-foot width of a lot’s front yard adjacent to the public right-of-way and the entire 5-foot width of the lot’s side yard adjacent to the public right-of-way.

**Protected Trees.** The following trees that are specially protected:

1. trees located on public rights-of-way within the municipality with a diameter breast height greater than or equal to 2 inches.

2. trees located within a private tree preservation area with a diameter breast height greater than or equal to 10 inches.

**Root Zone.** The area inscribed by an imaginary circular line on the ground beneath a tree having as its center point the center of the trunk of the tree and a radius equal to 1 foot for every inch of diameter breast height.

**Shade Tree.** A tree, usually deciduous, that normally grows with one main trunk and has a canopy that screens and filters the sun.

**Shrub.** A woody deciduous or evergreen plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

**Tree.** A self-supporting woody plant, together with its root system, having a well-defined stem or trunk or a multi-stemmed trunk system, a more or less well-defined crown, and a mature height of at least 8 feet. The term “tree” shall not include containerized trees or nursery stock trees maintained for resale.
**Tree Removal.** The physical detachment or elimination of a tree or the effective detachment or elimination of a tree through damage or otherwise.

**Undesirable Species.** Tree species that are invasive, nonnative, and/or shallow-rooted, including, but not limited to, buckthorn, Norway maple, mulberry, box elder, and willow.

**M. [10.27] Model Definitions — Open Space**

**Open Space** and **Usable Open Space.** An area or areas of a lot, including required yards, that are

1. open and unobstructed from ground to sky except by facilities specifically designed, arranged, and intended for use in conjunction with passive or active outdoor recreation or relaxation;

2. located at least 5 feet from any structure except structures specifically designed, arranged, and intended for use in conjunction with passive or active outdoor recreation or relaxation;

3. landscaped, maintained, or otherwise treated to create a setting appropriate to recreation or relaxation; and

4. accessible and usable by the residents of all dwellings or the users of all nonresidential buildings it is intended or required to serve.

**Open Space, Common.** Open space held in private ownership that is regularly available for use by the occupants of more than one dwelling or the users of more than one nonresidential building.

**Open Space, Perimeter Landscaped.** A landscaped open space intended to enhance the appearance of, or screen from view, parking lots and other outdoor aesthetically unpleasant uses or areas or to create a transition between incompatible uses by means of appropriate buffering, landscaping, or screening primarily along lot lines.

**Open Space, Private.** Open space held in private ownership, the use of which is normally limited to the occupants of one dwelling or the users of one nonresidential building.

**Open Space, Public.** Open space dedicated to or owned by any government or governmental agency or authority.

**N. Antennas and Telecommunication Facilities**

1. **[10.28] Overview**

The Telecommunications Act of 1996, Pub.L. No. 104-104, 110 Stat. 56, mandates the way in which a municipality can regulate the location of antenna towers used for the transmitting of
certain telecommunication services. The definitions in §10.29 below were developed in response to the Act in order to provide for the most effective regulation of antennas allowed under the Act.

2. [10.29] Model Definitions — Telecommunications

**Antenna.** A device used to transmit or receive communications signals. The term “antenna” encompasses transmitting and receiving elements and any tower and immediately related support and stabilizing elements and rotating or other directional mechanism.

**Antenna.** Any structure designed for transmitting signals to a receiving station or for receiving television, radio, data, or other signals from satellites or other sources.

**Antenna, Commercial Broadcast.** An antenna used for television and commercial radio broadcasting by a profit or non-profit entity, which may be affixed to a tower or to the top of a building. In amplitude modulation (AM) radio service, the tower also acts as the antenna.

**Antenna, Satellite Earth Station.** An antenna used to transmit or receive sound, visual images, or data from one or more space stations or from one or more stations of the same kind by means of satellites or other objects in space.

**Antenna, Superhigh Frequency.** An antenna that serves a superhigh frequency channel, requires a line of sight to the transmitting antenna, and generally consists of a metal grid or a sheet of bent metal mounted on the pole of an ultrahigh frequency (UHF) or very high frequency (VHF) antenna or a roof structure.

**Antenna, Terrestrial Microwave.** A dish, horn, or other type of antenna used for point-to-point microwave communication of sound, visual images, or data from one terrestrial point to another.

**Antenna, Whip.** An antenna generally consisting of a single pole or mast, also called a broomstick antenna, sometimes including irregularly shaped prongs or attachments at its extremity, including an antenna used for citizens band or two-way radio communications.

**Antenna, Yagi.** A VHF or UHF directional antenna array in which a basic whip or dipole antenna is supplemented by one or more parallel reflector and director elements.

**Personal Wireless Service.** A commercial mobile telecommunications service, unlicensed wireless telecommunications service, or common carrier wireless telecommunications exchange access service.

**Personal Wireless Service Antenna.** An antenna used in connection with the provision of personal wireless services.

**Wireless Telecommunications.** Any cellular mobile telephone services, “personal wireless services” as defined by the Telecommunications Act of 1996, 47 U.S.C. §332(c)(7)(C)(i), as now or hereafter amended, including all commercial mobile radio services, and paging services.
O. [10.30] Model Definitions — Signage

Billboard. A generally flat surface or board, usually outdoors, on which advertisements or notices are posted.

Sign. Any object, device, display, or structure, or any part thereof, including any structural elements, that is located outdoors or indoors and used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including specifically but without limitation words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

Sign Area. The entire area within a single continuous square or rectangle enclosing the extreme limits of the sign and in no case passing through or between any adjacent elements of the sign. However, such perimeter shall not include any structural elements lying outside the limits of the sign and not forming an integral part of the display.

Sign Face. The surface of a sign on, against, or through which the message is displayed or illustrated.

Sign, Nonconforming. Any sign that fails to conform to the appropriate regulations.

Sign with Backing. Any sign that is displayed on, against, or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.

Sign Without Backing. Any sign other than a sign with backing.


Earthborn Vibration. A cyclic movement of the earth due to the propagation of mechanical energy.

Elevation Certificate. A form published by the Federal Emergency Management Agency that is used to certify the elevation to which a building has been constructed.

Footprint. The specific area depicted on a development plan or a building site plan that demonstrates the exact perimeter boundaries of structures.

Impact Vibration. A vibration occurring in discrete pulses separated by an interval of at least one minute and numbering no more than eight per a 24-hour period.

In-Kind Culvert Replacement. A structure that has an equivalent cross-sectional area, shape, roughness coefficient, and inlet and outlet elevations or that may be shown to have an equivalent hydraulic capacity using appropriate engineering calculations of the culvert that it is replacing.
Lowest Adjacent Grade. The lowest finished grade adjacent to a structure, not including the bottom of window wells.

National Geodetic Vertical Datum of 1929. Reference surface elevation set by the National Geodetic Survey deduced from a continental adjustment of all existing adjustments in 1929.

Odor Threshold. The concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerves of normal persons.

Ordinary High-Water Mark. The point on the bank or shore at which the presence and movement of surface waters are continuous so as to leave a distinctive mark, such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other such recognized characteristics.

Particulate Matter. Material that is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature.

Sedimentation. The processes that deposit soils, debris, and other materials either on other ground surfaces or in bodies of water or watercourses.

Swale. A vegetated channel, ditch, or low-lying or depressional tract of land that is periodically inundated by conveying stormwater from one point to another.

Waters of the United States. Those areas that are under the U.S. Army Corps of Engineers’ jurisdiction. The term “waters of the United States” is defined as

1. all waters that are currently used, were in the past used, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;

2. all interstate waters including interstate wetlands;

3. all other waters, such as interstate lakes, rivers, streams (including intermittent streams), mud flats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce including any such waters
   a. that are or could be used by interstate or foreign travelers for recreational or other purposes;
   b. from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
   c. that are used or could be used for industrial purposes by industries in interstate commerce;
4. all impoundments of waters otherwise defined as waters of the United States under this definition;

5. tributaries of waters identified in Paragraphs 1 through 4 of this definition;

6. wetlands adjacent to waters (other than waters that are themselves wetlands) identified in Paragraphs 1 through 5 of this definition;

7. wetlands separated from other waters of the United States by man-made dikes or barriers, natural river berms, beach dunes, and the like, which are referred to as “adjacent” wetlands; and

8. isolated wetlands, lakes, and ponds.

The limits of the waters of the United States extend to

1. in the absence of adjacent wetlands, the ordinary high-water mark;

2. when adjacent wetlands are present, beyond the ordinary high-water mark to the delineated border of the adjacent wetlands; or

3. when waters of the United States consist only of wetlands, the delineated wetlands boundary.

The term “waters of the United States” does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act of 1977, Pub.L. No. 95-217, 91 Stat. 1566, or prior converted cropland. Notwithstanding the determination of an area’s status as prior converted cropland by any other federal agency, for the purpose of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with Environmental Protection Agency or the Natural Resources Conservation Service.

Q. Nonconformities

1. [10.32] Overview

In general, a nonconformity is a use or structure that was lawful when it was created but, as a result of an amendment to the zoning code, is no longer in compliance with the regulations applicable to it. The terms in §10.33 below are model definitions of nonconforming lots, structures, and uses.

2. [10.33] Model Definitions — Nonconformities

Nonconforming Lot of Record. A lot of record that does not comply with the lot requirements for any use permitted in the district in which it is located.
Nonconforming Structure. Any building or structure lawfully existing on the effective date of the zoning code or any amendment to it rendering such building or structure nonconforming that

a. does not comply with all of the regulations of the zoning code, or any such amendment thereto, governing parking, loading, or bulk and space requirements for the zoning district in which such building or structure is located; or

b. is located on a lot that does not, or is so located on a lot as not to, comply with the yard or setback requirements for the zoning district in which such building or structure is located; or

c. both a and b.

Nonconforming Use. Any use lawfully being made of any land, building, or structure on the effective date of the zoning code, or any amendment to it rendering such use nonconforming, that does not comply with all of the regulations of the zoning code, or any such amendment thereto, governing use for the zoning district in which such land, building, or structure is located.

Nonconforming Use. Any use of land or of a structure, or of a structure and land in combination, lawfully in existence at the time the zoning code or any amendment to it became effective, that does not conform to the use provisions for the district in which the use is located. A use lawfully in existence at the time of adoption or amendment of the zoning code that would thereafter require special exception approval of the zoning board shall not be deemed a nonconforming use.

Pre-Code Structure. Any building or structure, other than a sign, lawfully existing on the effective date of the zoning code, or any amendment to it rendering such building or structure nonconforming, that

a. does not comply with all of the regulations of the zoning code, or any such amendment thereto, governing parking, loading, or bulk and space requirements for the zoning district in which such building or structure is located; or

b. is located on a lot that does not, or is so located on a lot as not to, comply with the yard or setback requirements for the zoning district in which such building or structure is located; or

c. both a and b; except

d. any building containing more than one dwelling unit in addition to the number permitted by the district regulations in the district in which it is located shall be deemed to be a nonconforming use rather than a pre-code structure.

**Alternative Energy Collection System.** Any above-ground device that captures wind or solar energy to be converted into electricity or heat for public or private use.

**Blade.** The extended vanes of a wind turbine that move in a circular direction caused by passing wind or connected motor.

**Decommission and Restoration Plan.** A report that outlines the plan and financing for removal of an inoperable and/or abandoned alternative energy collection system and restoration of disturbed land and improvements caused by the installation and removal of the system.

**FAA.** The Federal Aviation Administration of the U.S. Department of Transportation.

**Horizontal Axis Turbine.** A wind turbine that rotates on a horizontal axis, typically with propeller blades. This definition includes reference to the illustration of such turbine on this page for explanatory, but not limiting, purposes.

**Micro Wind Energy System (MWES).** A wind-powered mechanical energy conversion system consisting of a wind turbine component, support tower, and associated control or conversion electronics that is professionally manufactured and installed and intended for small, private-use purposes.

**Monopole Tower.** A single pole structure that supports a wind turbine, without the use of guy wires or similar support system.

**Off-Grid.** An alternative energy collection system that is not connected to the utility grid.

**Rotor Diameter.** The measurement of blade rotation that is formulated by a straight line passing through the center of the circular path of the blade travel and terminating at the periphery.

**Shadow Flicker.** The on-and-off strobe light effect caused by the shadow of moving turbine blades cast by the sun passing through the rotating turbine.

**Small Wind Energy System (SWES).** A wind-powered mechanical energy conversion system consisting of wind turbine component, support tower, and associated control or conversion electronics that is professionally manufactured and installed and operated in any nonresidential development or multifamily residential development.

**Solar Energy System (SES).** A professionally manufactured system that uses solar panels made of solar cells, heat-absorbing plates, or other elements to convert sunlight directly into electricity or for electric storage and use.

**Solar Panel.** A panel containing solar cells or heat-absorbing plates that convert and/or collect and store sunlight into heat or electricity.
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Sun Reflection. The return of light after striking any portion of an alternative energy collection system.

Total Extended Height. The height above grade to the highest point of travel of a wind turbine.

Tower Height. The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

Vertical Axis Turbine. A wind turbine that rotates on a vertical axis with blades forming a spiral or helical shape.

WECS Operator. The entity responsible for the day-to-day operation and maintenance of a wind energy conversion system (WECS), including, without limitation, any third-party subcontractor.

WECS Owner. The entity or entities with an equity interest in the WECS, including their respective successors and assigns, but excluding (a) the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); (b) any person holding a security interest in the WECS solely to secure an extension of credit; and (c) a person foreclosing on such security interest provided that, after foreclosure, such person seeks to sell the WECS at the earliest practicable date.

Wind Energy Conversion System. One or more devices that together convert wind energy into electricity, including without limitation the rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower to the substation(s).

Wind Turbine. A machine having a rotor, usually with vanes or blades mounted horizontally or vertically, driven by the wind for the purposes of converting wind into electricity for public or private use.

R. [10.35] Model Definitions — Lighting Standards

Average Illumination. The overall average of all points on the surface of the illuminated area including the brightest and dimmest points.

Average Uniformity Ratio. A measurement of the average light level in relation to the lowest light level within a given area. EXAMPLE: A ratio of 3:1 states that the average level is three times higher than the minimum level.

Flood Light. A projector designed for lighting a scene or object to a brightness considerably greater than its surroundings.
**Foot Candle (fc).** The American unit used to measure the total amount of light cast on a surface (illuminance). One foot candle is equivalent to the illuminance produced by one candle at a distance of one foot. One foot candle is approximately equal to ten lux, the British unit used to measure illuminance.

**Full Cutoff Fixture.** A fixture that when installed projects all light below a horizontal plane through the fixture’s lowest light-emitting portion, as determined by photometric test or certified by the fixture’s manufacturer, and no more than 10 percent of the fixture’s luminous output may be above 80 degrees relative to nadir. A fixture with a drop lens shall not be a full cutoff fixture.

**Fully Shielded Fixture.** A fixture constructed in such a manner that the lamp is not visible and no light-emitting portion of the fixture is visible when viewed from the property line.

**HID Lamp.** High-intensity discharge lamps including high-pressure sodium, mercury vapor, and metal halide.

**I.E.S.** Illuminating Engineering Society of North America.

**Lumen.** The unit used to quantify the amount of light energy produced by a lamp. The lumen output of most lamps is provided on the packaging.

**Maximum Uniformity Ratio.** A measurement of the maximum light level in relation to the lowest light level within a given area.

**Non-Shielded Fixture.** A fixture constructed in such a manner that either the lamp or more than 50 percent of the light-emitting portion of the fixture is visible when viewed from the property line.

**Partially Shielded Fixture.** A fixture constructed in such a manner that the lamp is not visible and no more than 50 percent of the fixture’s light reflecting or transmitting portion(s) is visible when viewed from the property line.

S. **Sustainability**

1. **[10.36] Overview**

Many municipalities have enacted “green building” and other sustainability provisions as part of their zoning ordinances. Green buildings often contain features aimed at reducing heat and energy output, such as rooftop gardens. More information about green buildings can be found at the website of the U.S. Green Building Council at www.usgbc.org.

2. **[10.37] Model Definitions — Green Buildings and Sustainability**

**Green Building Credits.** Credits that may be included in the calculation toward achieving a LEED certifiable project.
Green Building Practices. A whole systems approach to the design, construction, and operation of buildings and structures that helps mitigate the environmental, economic, and social impacts of construction, demolition, and renovation. Green building practices, such as those described in the LEED rating system, recognize the relationship between natural and built environments and seek to minimize the use of energy, water, and other natural resources and provide a healthy, productive environment.

LEED Certifiable. A structure that is planned, designed, and constructed to achieve the “certified” level using the LEED building rating system.


Sustainable Building. Sustainable building integrates building materials and methods that promote environmental quality, economic vitality, and social benefit through the design, construction, and operation of the built environment. Sustainable building merges sound, environmentally responsible practices into one discipline that looks at the environmental, economic, and social effects of a building or built project as a whole. Sustainable building design encompasses the following broad topics: the efficient management of energy and water resources; the management of material resources and waste; the protection of environmental quality; the protection of health and indoor environmental quality; the reinforcement of natural systems; and the integration of the design approach.

T. Medical Marijuana

1. [10.38] Overview

On August 1, 2013, the Governor of the State of Illinois signed into law P.A. 98-122 (eff. Jan. 1, 2014), establishing the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1, et seq. The Act legalizes the use of cannabis by qualifying patients who have been diagnosed by a physician as having a “debilitating medical condition,” as defined by the Act. 410 ILCS 130/10(h). Under the Act and its myriad regulations, there are “cultivation centers” at which cannabis may be grown and harvested and “dispensing organizations” from which qualifying patients may acquire cannabis. The Act and regulations limit the number of cultivation centers and dispensing organizations and provide for their geographic distribution — and, importantly, allow municipalities to enact reasonable zoning regulations for these facilities. 410 ILCS 130/140. However, municipalities may not completely prohibit the location of cultivation centers and distribution facilities. Id. In the wake of the Act’s passage, and to ensure that medical marijuana-related uses will be located only in harmony with existing zoning provisions, many municipalities around the state have adopted such rules, including definitions necessary for effective local regulation.
2. [10.39] Model Definitions — Medical Marijuana

Medical Cannabis Cultivation Center. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensaries with usable medical cannabis.

Medical Cannabis Dispensary. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered medical cannabis cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients (as that term is defined in the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1, et seq.).

III. [10.40] INDEX OF TERMS

Each of the terms defined in §§10.4 – 10.39 above appears below in alphabetical order with a cross-reference to the chapter section that contains the definition for the term.

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